



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,178	06/18/2001	Hiroshi Ikeda	1614.1171	8007
21171	7590	03/19/2007	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PHAM, HUNG Q	
			ART UNIT	PAPER NUMBER
			2168	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/882,178	IKEDA ET AL.	
	Examiner	Art Unit	
	HUNG Q. PHAM	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 January 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13, 15-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) 13, 15-18 and 21-23 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 and 19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)~

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

- **Specification**

As indicated in the previous Office Action, the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter: *an updating part, a sending part* as in claim 7, *an action information sending part* as in claim 8, *a defining part, a registering part, a member information obtaining part* as in claim 9, and *an excluding part* as in claim 19.

In response to the objection, applicants directs the examiner to Page 5 Lines 29-31 and Page 9 Lines 26-29, which describe the functions of the system but not the structure of the system, especially the structure of the system with respect to *an updating part, a sending part* as in claim 7, *an action information sending part* as in claim 8, *a defining part, a registering part, a member information obtaining part* as in claim 9, and *an excluding part* as in claim 19. In light of the provided evidences, *an updating part, a sending part* as in claim 7, *an action information sending part* as in claim 8, *a defining part, a registering part, a member information obtaining part* as in claim 9, and *an excluding part* as in claim 19 are considered as software or modules that perform functions.

In view of the foregoing arguments, the objection to the specification is sustained.

- **Claim Rejections - 35 USC § 101**

A. Applicants' arguments, see Remarks (Page 8 Line 22-Page 9 Line 6), filed 01/19/07, with respect to rejection of claims 1-6 under 35 U.S.C. § 101 have been fully considered and are persuasive. The rejection of claim 1-6 has been withdrawn.

B. Applicants' arguments with respect to the rejection of claims 7, 8 and 19 under 35 U.S.C. § 101 have been fully considered but they are not persuasive.

As argued by applicants:

(1) At page 9 with respect to claims 7 and 8

The Examiner alleged that claims 7 and 8 recite a center site and a service site and fail to identify the physical structure of the system in terms of its hardware or hardware and software combination. According to the Examiner, the center site and service site, as claimed, comprise only functional software.

Applicants respectfully submit that claims 7 and 8 are statutory. Nothing in Applicants' claims or specification supports the Examiner's allegation that the center site and the service site comprise only functional software. Moreover, the claims clearly recite additional hardware. For example, claim 7 recites, "an updating part," which could clearly be a hardware component or a combination of hardware and software. Similarly, claim 8 recites, "an action information sending part," which could clearly be a hardware component or a combination of hardware and software.

(2) At page 9 with respect to claim 19

Similarly, claim 19 is statutory, as nothing in Applicants' claims or specification supports the Examiner's allegation that the web site system comprises only functional software. Further, the "parts" recited in claim 19 could clearly be hardware components or a combination of hardware and software. The web site system clearly produces a useful, concrete, and tangible result, as it registers a region to the database and produces information that excludes places from a single region that is registered.

Examiner respectfully disagrees.

(1) The "*updating part*" as recited in claim 7 is not hardware. As provided by applicants in the Remarks with respect to the "*updating part*" (Remarks, Page 8 Lines 5-12), *the specification clearly states, "the center site 10 updates the member information database 13 based on the price, the grade, and the like of the pizza informed from the service site A.* This description clearly illustrate software is used to update the member information. In addition, the hardware configuration of the center site is shown in FIG. 10. There is no illustration of "*updating part*" according to FIG. 10.

Similarly, "*an action information sending part*" as recited in claim 8 is not hardware. As described in the Specification (Page 9 Lines 21-32), *the service site A generates screen information and*

displays a screen based on the screen information. The user refers to the screen and makes an order of a pizza (S14). The service site A informs a price, a grade and the like of the pizza to the portal site 11 in the center site 10 (S15). The center site 10 updates the member information database 13 based on the price, the grade and the like of the pizza informed from the service site A. This description clearly illustrate software is used to update the member information database.

In view of the foregoing arguments, the center site and service site as recited in claims 7 and 8 comprises software per se. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter. Because software per se is not one of the four categories of invention, therefore claims 7-10 are non-statutory.

(2) The *web site system* as recited in claim 19 does not produces a tangible result because the claimed *web site system* fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for *specifying places to be excluded and excluding said places from said single region registered by said registering part*. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

- Claim Rejections - 35 USC § 112

Applicants' arguments with respect to the rejection of claims 12 and 19 under 35 U.S.C. § 112, first paragraph, have been fully considered and are persuasive. The rejection of claims 12 and 19 under 35 U.S.C. § 112, first paragraph, has been withdrawn.

Art Unit: 2168

- Claim Rejections - 35 USC § 102

Applicants' arguments with respect to the rejection under 35 U.S.C. § 102 have been fully considered but they are not persuasive.

As argued by applicants

(1) At Page 10 Lines 1-10:

Applicants respectfully submit that independent claims 1, 11, 12, and 19 are patentable over Naidoo, as Naidoo fails to disclose, a "member information database including member information including a home address and a proximal station," as recited in claim 1, for example.

On page 5 of the Office Action, the Examiner alleged that Naidoo's "geographic location information" is tantamount to the present invention's "proximal station." Applicants respectfully submit that Naidoo's geographic location information simply identifies location, for example, a work address. In contrast, the present invention's proximate station names a station. Therefore, the above-identified claims are patentable over the reference. As dependent claims 2-4 depend from independent claim 1, the dependent claims are patentable over the reference for at least the reasons presented for independent claim 1.

(2) At Page 10 Lines 11-18:

Further, Applicants respectfully submit that a proximal station based on geographical location information (that is, the nearest station in a straight distance) is not always convenient for a member. Firstly, for example, if there is a river from the member to the nearest station in the straight distance, another station may be convenient for the member to reach in shorter time than going to the nearest station. Secondly, in a circumstance requiring a train transfer, the member may prefer to use another station concerning the train transfer rather than the nearest station. Finally, the member may frequently use a particular shop, bank, business place, or such on the way to another station.

Examiner respectfully disagrees.

(1) As disclosed by Naidoo, the Web server 120 includes registration database as a member information database (Col. 7 Lines 50-52). Registration database stores user or member information including home address and other geographic location information (Col. 8 Lines 25-35). Geographic location information corresponds to a geographic area having the scope of a

Art Unit: 2168

specified geographic level (Col. 9 Lines 27-31). Geographic levels include neighborhoods, school districts, school boundaries and trade areas (Col. 9 Lines 12-14). The Naidoo teaching of the geographic location information included in the registration database such as a neighborhood, a school district, a school boundary or a trade area indicates a place located close or next to the home address or *proximal station*.

(2) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a *proximal station based on geographical location information (that is, the nearest station in a straight distance)* is *not always convenient for a member*. *Firstly, for example, if there is a river from the member to the nearest station in the straight distance, another station may be convenient for the member to reach in shorter time than going to the nearest station. Secondly, in a circumstance requiring a train transfer, the member may prefer to use another station concerning the train transfer rather than the nearest station. Finally, the member may frequently use a particular shop, bank, business place, or such on the way to another station*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In view of the foregoing arguments, the rejection under 35 U.S.C. § 102 is sustained.

- Claim Rejections - 35 USC § 103

Applicants' arguments with respect to the rejection under 35 U.S.C. § 103 have been fully considered but they are not persuasive.

As argued by applicants

Applicants respectfully submit that independent claims 7 and 8 are patentable over Dedrick in view of Naidoo as neither Dedrick nor Naidoo teaches or suggests a member information database including

member information including a home address and a proximal station, as recited in claim 1, for example.

...
Therefore, as neither Naidoo nor Dedrick teaches or suggests the above-identified feature of the claims, independent claims 7 and 8 are patentable over the references. As dependent claims 9 and 10 depend from independent claim 8, the dependent claims 9 and 10 are patentable over the references for at least the reasons presented for the independent claims. Therefore, withdrawal of the rejection is respectfully requested.

Examiner respectfully disagrees.

As disclosed by Dedrick at Col. 9 Lines 25-34, USER PROFILE DATABASE is *a member information database*. As further disclosed by Dedrick at Col. 5 Lines 50-59, the member information includes mailing address as *home address*. The missing of Dedrick is *a proximal station*.

As discussed above with respect to the rejection under 102, Naidoo teaches *a proximal station* included in the member information. Therefore, claims 7 and 9 are unpatentable over Naidoo and Dedrick under 35 U.S.C. § 103 as indicated in the previous Office Action.

In view of the foregoing arguments, the rejection under 35 U.S.C. § 103 is sustained.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: *an updating part, a sending part* as in claim 7, *an action information sending part* as in claim 8, *a defining part, a registering part, a member information obtaining part* as in claim 9, and *an excluding part* as in claim 19.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-10 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 7-10 recite *a center site* and *a service site*. The *center site* and *service site* as recited in claims 7 and 8 comprises software per se. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter. Because software per se is not one of the four categories of invention, therefore claims 7-10 are non-statutory.

Claim 19 is directed to *a web site system*. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a tangible result. Specifically, the claimed subject matter does not produce a tangible result because the claimed *web site system* fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for *specifying places to be excluded and excluding said places from said single region registered by said registering part*. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 11, 12 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Naidoo [USP 6,629,136 B1].

Regarding claim 1, Naidoo teaches *a web site system including a center site and a plurality of service sites accessible through said center site* (Web Server 120 is *a center site* (FIG. 1). Telephone directories, medical services, chat room services, email services and other websites that are linked to the Web Server as *service sites accessible through center site* (Col. 5, Lines 44-55)), said web site system comprising:

a member information database managed in said center site and storing member information (User Registration Database 126 as member information database is managed by Web Server 120 (Col. 7, Lines 43-45). User Registration Database stores member information (Col. 8, Lines 60-63)), wherein:

said member information database stores the member information obtained through said center site or said plurality of the service sites (Col. 8, Lines 25-27), *in which the member information includes a home address and a proximal station when the member information is registered to said information database* (registration information includes user home address and other geographic location, e.g.,

Art Unit: 2168

neighborhood, a school district, a school boundary or a trade area, as *proximal station* (Col. 8, Lines 27-35, Col. 9, Lines 12-31))

*to retrieve information available in both a predetermined range of the home address and a predetermined range of the proximal station*¹ (The purpose is to retrieve information from *a predetermined range of the home address* (Col. 10, Lines 48-52), and *a predetermined range of the proximal station* (Col. 10, Lines 57-58)).

Regarding claim 11, Naidoo teaches *a method to search information, said method conducted by one of service sites in a web site system including a center site and said service sites accessible through said center site* (Web Server 120 is *a center site*. User Node 100 is *one of service sites* (FIG. 1). Telephone directories, medical services, chat room services, email services and other websites that are linked to the Web Server as *service sites accessible through center site* (Col. 5, Lines 44-55)), said method comprising:

storing member information in which the member information includes a home address and a proximal station when the member information is registered (registration information includes user home address and other geographic location, e.g., neighborhood, a school district, a school boundary or a trade area, as *proximal station* (Col. 8, Lines 27-35, Col. 9, Lines 19-25))

*to retrieve information available in both a predetermined range of the home address and a predetermined range of the proximal station*² (The purpose is to retrieve information from *a predetermined range of the home address* (Col. 10, Lines 48-52), and *a predetermined range of the proximal station* (Col. 10, Lines 57-58)); and

¹ As set forth in MPEP 2111.04:

- (A) "adapted to" or "adapted for" clauses;
- (B) "wherein" clauses; and
- (C) "whereby" clauses.

The determination of whether each of these clauses is a limitation in a claim depends on the specific facts of the case. In *Haffer v. Microsoft Corp.*, 405 F.3d 1326, 1329, 74 USPQ2d 1481, 1483 (Fed. Cir. 2005), the court held that when a "whereby" clause states a condition that is material to patentability, it cannot be ignored in order to change the substance of the invention." *Id.* However, the court noted (quoting *Minton v. Nat'l Ass'n of Securities Dealers, Inc.*, 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed. Cir. 2003)) that a "whereby clause in a method claim is not given weight when it simply expresses the intended result of a process step positively recited." *Id.*

The clause *to retrieve information available in both a predetermined range of the home address and a predetermined range of the proximal station* simply expresses the intended result of the step storing member information. Examiner respectfully suggests applicants replacing the intended use clause by a positive statement that discloses the claimed invention.

Art Unit: 2168

providing information suitable for a service type by changing a search region for each service type (Col. 12, Lines 14-55).

Regarding claim 12, Naidoo teaches method to search information, said method conducted by one of service sites in a web site system including a center site and said service sites accessible through said center site, said method comprising:

registering a service region for each shop providing a service to a user (Col. 10, Lines 5-27);

registering a home address and a proximal station (registration information includes user *home address* and other geographic location, e.g., neighborhood, a school district, a school boundary or a trade area, as *proximal station* (Col. 8, Lines 27-35, Col. 9, Lines 19-25))

*to retrieve information available in both a predetermined range of the home address and a predetermined range of the proximal station which are defined as a search range*³ (The purpose is to retrieve information from a predetermined range of the home address (Col. 10, Lines 48-52), and a predetermined range of the proximal station (Col. 10, Lines 57-58)); and

searching shops based on the service region and the search range, so that⁴ information related to one shop located in the search range is not retrieved in said searching when the registered service region of the one shop is out of a search range (Col. 10, Lines 53-63).

Regarding claim 19, Naidoo teaches *a web site system comprising a center site and service sites accessible through said center site, where the center site comprises a member information database* (Web Server 120 is a center site (FIG. 1). Telephone directories, medical services, chat room services, email services and other websites that are linked to the Web Server as *service sites accessible through center site* (Col. 5, Lines 44-55). User

² See footnote 1.

³ See footnote 1.

⁴ See footnote 1.

Registration Database 126 as *member information database* is managed by Web Server 120 (Col. 7, Lines 43-45)), said member information database comprising:

a defining part defining a plurality of places as a single region (Col. 8, Lines 32-41);

a registering part registering said single region to said member information database (Col. 8, Lines 25-27 and Col. 7, Lines 43-45); and

an excluding part specifying places to be excluded and excluding said places from said single region registered by said registering part (Col. 10, Lines 53-63).

Regarding claim 2, Naidoo teaches all of the claimed subject matter as discussed above with respect to claim 1, Naidoo further discloses *when the user accesses one service site of the plurality of service sites through said center site, said center site retrieves the member information corresponding to the user from said member information database and sends the member information including a search range, to said one service site* (Col. 10, Lines 53-63).

Regarding claim 3, Naidoo teaches all of the claimed subject matter as discussed above with respect to claim 2, Naidoo further discloses *center site retrieves the member information of the user from said member information database, classifies the member information, and sends a class of the member information as a part of or as the entire member information* (Col. 9, Line 9-Col. 10, Line 27).

Regarding claim 4, Naidoo teaches all of the claimed subject matter as discussed above with respect to claim 1, Naidoo further discloses *center site sends member ID information to one of the plurality of service sites corresponding to the user, where said one of the service sites retrieves the member information including the search range of the user from said center site by using said member ID information* (Col. 8, Lines 60-63 and Col. 12, Lines 5-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick [USP 5,717,923] in view of Naidoo [USP 6,629,136 B1].

Regarding claim 7, Dedrick teaches a system for dynamically customizing electronic information. The system as taught by Dedrick has *a center site including a member information database storing member information* (Dedrick, FIG. 3, METERING SERVER as *center site including a member information database, e.g., USER PROFILE DATABASE, storing member information, e.g., profile data*). The METERING SERVER comprising:

an updating part updating said member information in response to each action performed by a user at service sites (Dedrick, Col. 6, Lines 53-63);

a sending part sending the member information, when the user accesses one of the service sites or when any one of said service sites inquires as to the member information (Dedrick, Col. 7, Lines 35-56);

wherein each member information from said service sites connected to said center site is stored in said member information database (Dedrick, Col. 9, Lines 25-34) *and said member information database is a single database for said service sites* (Dedrick, Col. 9, Lines 25-34), USER PROFILE DATABASE is a single database for consumption devices as *service sites* served by METERING SERVER), *in which said each member information includes a home address* (Dedrick, Col. 5, Lines 50-59, mailing address is *home address*).

The missing of Dedrick is *a proximal station* included in the member information, and the purpose is *to retrieve information available in both a predetermined range of the home address and a predetermined range of the proximal station which are defined as a search range*⁵.

Naidoo teaches a technique of searching localized content to users corresponding to users' geographic area. Naidoo further discloses *a proximal station* included in the member information (registration information includes user home address and other geographic location, e.g., neighborhood, a school district, a school boundary or a trade area, as *proximal station* (Col. 8, Lines 27-35, Col. 9, Lines 12-31)) and the purpose is to *retrieve information available in both a predetermined range of the home address and a predetermined range of the proximal station which are defined as a search range* (Naidoo, Col. 10, Lines 48-52 and Col. 10, Lines 57-58).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to include the *proximal station* and the searching technique as taught by Naidoo into Dedrick system in order to search for a particular area using the mailing address.

Regarding claim 8, Dedrick teaches a system for dynamically customizing electronic information. The system as taught by Dedrick has *a service site accessible through a center site* (Dedrick,

FIG. 1, CLIENT SYSTEM as *a service site accessible through a METERING SERVER as center site)* including a member information database storing member information (Dedrick, FIG. 3, METERING SERVER including a member information database, e.g., USER PROFILE DATABASE, *storing member information, e.g., profile data*). The CLIENT SYSTEM further comprising:

an action information sending part sending information concerning an action of a user to update said member information database when the user performs the action at said service site, the action is made for the information retrieved (Dedrick, Col. 7, Lines 23-25 and Col. 7, Lines 35-56),

wherein said member information of said member information database in said center site is updated by and shared with other service sites accessible through said center site (USER PROFILE DATABASE is updated by and shared with other CLIENT SYSTEMS),

and said member information includes a home address (Dedrick, Col. 5, Lines 50-59, mailing address is *home address*);

The missing of Dedrick is *a proximal station* included in the member information, and the purpose is *to retrieve information available in both a predetermined range of the home address and a predetermined range of the proximal station which are defined as a search range*, and the information is retrieved *based on the search range*.

Naidoo teaches a technique of searching localized content to users corresponding to users' geographic area. Naidoo further discloses Naidoo further discloses *a proximal station* included in the member information (registration information includes user home address and other geographic location, e.g., neighborhood, a school district, a school boundary or a trade area, as *proximal station* (Col. 8, Lines 27-35, Col. 9, Lines 12-31)), and the purpose is *to retrieve information available in both a predetermined range of the home address and a predetermined range of the proximal station which are defined as a search range* and the information is retrieved *based on the search range* (Naidoo, Col. 10, Lines 48-52 and Col. 10, Lines 57-58).

⁵ See footnote 1.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to include the *proximal station* and the searching technique as taught by Naidoo into Dedrick system in order to search for a particular area using the mailing address.

Regarding claim 9, Dedrick and Naidoo, in combination, teach all of the claimed subject matter as discussed above with respect to claim 8, Naidoo further discloses the technique of *obtaining the member information including the search range of the user from said center site when the user accesses said service site through said center site* (Naidoo, Col. 10, Lines 53-63).

Regarding claim 10, Dedrick and Naidoo, in combination, teach all of the claimed subject matter as discussed above with respect to claim 8, Naidoo further discloses the technique of *providing information specifying the user as a member to said center site so as to obtain the member information including the search range of the user from said center site* (Naidoo, Col. 8, Lines 51-59).

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naidoo [USP 6,629,136 B1] in view of Dedrick [USP 5,717,923].

Regarding claim 5, Naidoo teaches all of the claimed subject matter as discussed above with respect to claim 1, but fails to teach *when the user performs an action at one of said plurality of service sites, said one of the service sites sends information corresponding to said action performed by the user to said center site*.
Dedrick teaches a system for dynamically customizing electronic information.

Dedrick further discloses *when the user performs an action at one of said plurality of service sites, said one of the service sites sends information corresponding to said action performed by the user to said center site* (Col. 9, Lines 35-65).

Art Unit: 2168

It would have been obvious for one of ordinary skill in the art at the time the invention was made to include the step of sending information corresponding to action in order to update the user profile.

Regarding claim 6, Naidoo and Dedrick, in combination, teach all of the claimed subject matter as discussed above with respect to claim 5, Dedrick further discloses *center site updates the member information of the user in said member information database by using said information corresponding to said action performed by the user* (Dedrick, Col. 9, Lines 32-34).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HUNG Q PHAM
Examiner
Art Unit 2168

March 8, 2007